

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, AUGUST 19, 2014**

- MEETING CALLED TO ORDER:** The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Barakat at 7:00 p.m.
- ROLL CALL:** PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Lathrop and Pycz
- ABSENT: None
- STAFF: City Manager Keith, City Attorney Reisman, City Planner McIntosh, City Clerk Saldana and Management Analyst Kearney
- APPROVAL OF AGENDA:** Mayor Pro-Tem Hale made a motion to approve the agenda as presented and proceed with City business. Councilmember Lewis seconded the motion, which carried.
- DISCLOSURE OF ITEMS REQUIRED BY GOV. CODE SECTION 1090 & 81000 ET SEQ.:** In compliance with the California Political Reform Act, each City Councilmember has the responsibility to disclose direct or indirect potential for a personal financial impact as a result of participation in the decision making process concerning agenda items.
- City Attorney Reisman stated that Mayor Barakat may need to abstain from Agenda Item #3 (Housing Element Update) discussion of an emergency shelter at 600 Winston Avenue, which abuts Mayor Barakat's residence, if he thinks there could be a potential financial impact on his property.
- PRESENTATION:** The City Council passed a Proclamation declaring September 2014 as Childhood Cancer Awareness Month. No representative from the American Cancer Fund or Kids Cancer Connection was present to receive the proclamation.
- PUBLIC COMMENT:** None
- CONSENT CALENDAR:** All items on the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion unless a Councilmember requests otherwise, in which case the item will be removed and considered by separate action. All Resolutions and Ordinances for Second Reading on the Consent Calendar are deemed to be "to waive further reading and adopt."
- A. Minutes - Regular City Council Meeting of July 15, 2014
 - B. Resolution No. 14-24: Demands & Warrants for August 2014
 - C. Preliminary Financial Statement for the month of July 2014
 - D. Reappointments to the Utility Users Tax Oversight Committee
 - E. Award of Contract for Tree Trimming Services for the City's public trees
 - F. Resolution No. 14-25: Los Angeles County Competitive Grant Program – Proposed Project Application – Phase III Park Development Project
- DISCUSSION:** Councilmember Lathrop stated that the Agenda Memo for Consent Calendar Item #F should read "the number of employed will be 10 youth for a total of 2 hours, at the estimated rate of \$15 (not \$150) an hour per person." City Manager Keith stated that the correction to the Agenda Memo has been duly noted.

Councilmember Pycz wanted to discuss Cal-Am's water bill for City Hall. City Manager Keith told Councilmember Pycz to bring it up during discussion of Agenda Item #2 (Water Conservation).

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lathrop moved to approve the Consent Calendar as presented. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

AYES: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Lathrop and Pycz

NOES: None

ABSENT: None

Motion passed 5:0

**URGENCY ORDINANCE NO. 337 -
WATER CONSERVATION AND
DROUGHT CONDITIONS:**

City Manager Keith stated that with the severe drought conditions upon everyone in California, last month the City Council heard a presentation from California American Water and the Upper San Gabriel Water District. During that discussion, the City Council requested staff to follow up regarding the recent conservation action adopted by the State Water Board.

RECOMMENDATION:

It is recommended that the City Council hear the presentation from California American Water on the California Drought Conditions and if it seems appropriate, open a public hearing and read as an urgency Ordinance No. 337, amending various provisions of the Bradbury Municipal Code to prohibit the waste of water.

**PRESENTATION BY CALIFORNIA
AMERICAN WATER:**

Carol Williams, Operations Manager of California American Water gave an overview of the current drought conditions in California.

On January 17, 2014, Governor Brown issued a drought emergency proclamation following three (3) dry or critically dry years in California. Extreme drought now covers nearly 80% of the State and these conditions will likely continue into the foreseeable future. The State is reporting that more than 400,000 acres of farmland are expected to be fallowed, and fish and wildlife species are in jeopardy. Many communities are down to 50 gallons a day or less per person for basic sanitation needs. With our inability to predict the effect of the next rainy season, water saved today can improve a region's water security and add flexibility to systems that may need to withstand another year or more with precipitation below average.

On July 15, 2014 the California State Water Board adopted emergency regulations that require urban water suppliers, such as California American Water, to implement by August 1, 2014 their Water Shortage Contingency Plans at a level that triggers mandatory restrictions on outdoor water use. Further, different than the municipal water purveyors, the private water companies had to wait for direction in implementation from the California Public Utilities Commission. The CPUC is set to take action on Thursday August 14th. Part of this direction is that private companies must work with local law enforcement and local government entities for the enforcement of these new requirements.

**SWRCB EMERGENCY DROUGHT
REGULATION:**

Brian Baretto, Southern California External Affairs Manager, spoke about outdoor water restrictions imposed by the State Water Resources Control Board (SWRCB) Emergency Drought Regulation:

- Effective July 28, 2014; expires April 25, 2015
- Prohibits certain outdoor uses of potable water (see below) except to address an immediate health and safety need, or to comply with state or federal permit requirement
- Specifies that violation of prohibited actions can be subject to civil or criminal fine, up to \$500 per day

**SWRCB PROHIBITED (OUTDOOR)
WATER USES:**

- The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public parkways, roadways, parking lots or structures;
- The use of a hose that dispensed potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- The application of potable water to driveways and sidewalks;
- The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

PUBLIC HEARING OPENED:

At the conclusion of the power point presentation Mayor Barakat opened the public hearing for public comment.

PUBLIC HEARING CLOSED:

There being no public input, Mayor Barakat declared the public hearing closed.

DISCUSSION:

Councilmember Lathrop requested the SWRCB expiration (sunset) date of April 25, 2015 be added to the Urgency Ordinance.

City Manager Keith stated that runoff contributes to NPDES issues and these regulations will help the City meet stormwater permit requirements.

Councilmember Lathrop felt that the wording regarding fines was ambiguous. The City Council decided to change the wording of the ordinance to read "administrative" fine (instead of civil or criminal fine).

Councilmember Lewis inquired about the enforcement process. Mr. Lewis stated that he does not like "at the discretion of ..." and wants it to be more clear-cut. City Attorney Reisman responded that the state required language is "unreasonable" runoff.

Mayor Pro-Tem Hale preferred to leave the sunset date of April 25, 2015 as is.

**MOTION TO ADOPT URGENCY
ORDINANCE NO. 337:
(WATER CONSERVATION)**

Mayor Pro-Tem Hale made a motion to adopt Urgency Ordinance No. 337:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, ADDING ARTICLE VIII CHAPTER 9 TO THE BRADBURY MUNICIPAL CODE PROHIBITING THE WASTE OF WATER IN THE CITY OF BRADBURY (WATER CONSERVATION) AND DECLARING THE URGENCY THEREOF.

Councilmember Lewis seconded the motion which was carried by the following roll call vote:

APPROVED:

AYES: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Lathrop and Pycz

NOES: None

ABSENT: None

Motion passed 5:0

**HOUSING ELEMENT UPDATE
2014-2021:**

City Planner McIntosh stated that the City is required to update the Housing Element of the General Plan on a regular basis according to a schedule promulgated by the State of California. The most recent update was required this year. Due to the delays in adopting the General Plan update, the Housing Element is behind schedule. However, most of the work is done and the State Office of Housing and Community Development (HCD) provided a final comment letter, dated July 11, 2014.

Tonight, staff is asking the City Council to provide direction on the policy changes that have been included in this update.

After this meeting, the Housing Element will be shared with members of the Bradbury community and local/regional housing providers. The draft Housing Element will be scheduled for a public hearing before the Planning Commission on October 1st, prior to being adopted by the City Council later this fall.

Staff is suggesting that the City Council direct attention to the following specific sections of the Housing Element and engage in any discussion that would be useful prior to public review and the public hearing process:

**BRADBURY'S 2014-2021
FAIR SHARE ESTIMATE:**

In this section, the City of Bradbury's allocation of new housing for the 8-year Housing Element period is two (2) units – one extremely low income and one (1) low income. This is not new information to the City Council, but staff wanted to highlight this reasonable and achievable requirement for the purpose of tonight's discussion.

EMERGENCY SHELTER:

The City was required to accommodate Emergency Shelters in the 2008 Housing Element update. Section 9.03.010.020 of the Bradbury Development Code was amended to contain the following definition:

"Emergency Shelter is defined in Section 50801 of the California Health & Safety Code as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

In May 2008, after the last Bradbury Housing Element was adopted, the State Senate enacted SB 2, a statute that strengthens the requirements for the provision of emergency shelters. Every jurisdiction is required to identify a zone in which emergency shelters are deemed approved, without any discretionary review. Staff is proposing that the City Hall site on Winston be this approved location using an overlay zone on only the City Hall site.

TRANSITIONAL AND SUPPORTIVE HOUSING:

As stated in the July 11, 2014 letter from HCD, the City must be clear that transitional and supportive housing is treated like any other housing in the zone it is located in.

MULTIPLE-FAMILY RENTAL HOUSING:

Another significant change in State Law since the last Housing Element update is that the City accommodates a range of housing types including attached multiple-family and rental housing. It means that the City will consider this housing type in a Specific Plan for special needs groups the CITY has identified in OUR Housing Element. In other words, we do not have to provide multiple-family or rental housing for non-identified needs. As our current cycle need is for only two units, the City would not be required to consider more than two attached units of rental housing at most.

DISCUSSION AND POLICY DIRECTION:

The City Council discussed which district would be best suited for multi-family rental housing. Mayor Pro-Tem Hale suggested to limit multi-family rental housing to 5 (five) 650 square foot units on lots in the A-1, A-2 and A-5 Zone. There was a consensus direction given to staff to proceed on a variety of items. The entire Housing Element will be brought forth to the City Council in November for a noticed Public Hearing.

DISCUSSION – FIBER OPTIC INFRASTRUCTURE IN BRADBURY:

City Manager Keith stated that at the last meeting Councilmember Lathrop requested that the City Council discuss the possibility and options of installing fiber optic infrastructure in the City of Bradbury. The City Council may ask questions, request further information and provide direction to staff.

Councilmember Lathrop stated that he has been participating as a member of a technology innovations group that includes representatives from Bradbury and neighboring cities. Councilmember Lathrop provided an informational overview of an idea for the installation of fiber optic infrastructure as an economic development tool for these foothill communities.

The City Council felt that due to financial considerations and the ever changing nature of technology, fiber optics might be obsolete before the City would ever complete such a project and therefore did not support further discussion at this time. No motion was necessary.

ITEMS FOR FUTURE AGENDAS:

Mount Olive Sewer Project (see below)

MATTERS FROM THE CITY MANAGER:

City Manager Keith informed the Council that the sewer project on Mount Olive Drive will not be moving forward because one of the participants opted out. Mayor Pro-Tem Hale inquired if the City could pick up the tab to move forward with the project. City Manager Keith stated that she will put this item on the next agenda for discussion.

The Planning Commission will meet on Wednesday, August 27, to discuss the Cal-Am water well project at 1271 Lemon Avenue (Conditional Use Permit No. 13-001).

There is a delay in the fire grant kick-off because of the current wild fires.

Congratulation to Kevin. He and his wife are expecting a baby in January 2015.

MATTERS FROM THE CITY COUNCIL:

MAYOR BARAKAT:

Mayor Barakat stated that the City Manager did a fabulous job getting the property at 1901 Royal Oaks Drive North cleaned up. The Mead property at 1533 Royal Oaks Drive North should be next.

MAYOR PRO-TEM HALE:

Mayor Pro-Tem Hale stated that there is a proposal for the 191 acres of vacant land located in the Bradbury Estates. City Manager Keith stated that a conceptual plan has been submitted and is being reviewed by staff.

COUNCILMEMBER LEWIS:

Nothing to report.

COUNCILMEMBER LATHROP:

Councilmember Lathrop stated that the Duarte Education Foundation will hold its Annual Fundraising Dinner/Music Program on the first Saturday of October.

COUNCILMEMBER PYCZ:

Nothing to report.

CLOSED SESSION

ROLL CALL:

PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Lathrop and Pycz

ABSENT: None

STAFF: City Manager Keith and City Attorney Reisman

**PUBLIC COMMENT REGARDING
CLOSED SESSION ONLY:**

None

**CONFERENCE WITH
LEGAL COUNSEL -
PENDING LITIGATION:**

Discussion regarding Pending Litigation pursuant to subdivision (a) of Section 54956.9: Amicus Brief - City of Newport Beach v. Pacific Shores Properties, LLC, et al.

**RECONVENE OPEN SESSION AND
ANNOUNCE ANY ACTION TAKEN:**

There was no reportable action.

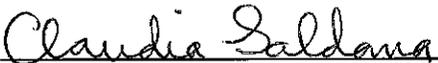
ADJOURNMENT:

At 8:30 p.m. Mayor Barakat adjourned the meeting to Tuesday, September 16, 2014 at 7:00 p.m.



MAYOR - CITY OF BRADBURY

ATTEST:



CITY CLERK - CITY OF BRADBURY